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Docket No. 1232-4252US2**REMARKS**

Applicant respectfully requests reconsideration of this application in view of the foregoing amendments and the following remarks.

Claim Status

Claims 1-3, 5, 6, 9-17 and 20 are pending in this application and have been rejected. Claims 1, 3, 6 and 9 are herein amended. Claims 1 and 9 are independent in form. No new matter has been added.

Claim Rejections in View of Prior Art

Independent claims 1 and 17 have been rejected under 35 U.S.C. §102(b) as allegedly anticipated by the previously cited Mimura. The remaining claims have been rejected under 35 USC §103 as being unpatentable over Mimura in combination with other references, as follows: claim 2: Mimura in view of the previously cited Munson; claims 3 and 5: Mimura in view of the previously cited Iwasaki; claim 6: Mimura in view of Iwasaki and further in view of the previously cited Shimuzu; claims 9, 14, 15 and 20: Mimura in view of Nishida (USP 5,349,415); and claims 10-12 and 16: Mimura in view of Nishida and further in view of Yamagishi (USP 6,630,949).

Applicants respectfully disagree with the characterization of the claims and the teachings of the prior art in the above stated rejections and respectfully traverse these rejections as follows.

According to amended independent claims 1 and 9, exposure/adjustment for an image in a photometric zone is controlled to an optimum/prescribed state, and the control parameters or adjustment data is stored in memory when the optimum/prescribed state is obtained, wherein the position and size of the photometric zone is arbitrarily changed within a subject image by the zone changing unit/pointing device. After the optimum/prescribed state is

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obtained, the stored control parameters/adjustment data are maintained even when a magnification of zooming means is changed. (See e.g., page 27, line 22- page 28, line 4 of the specification.) In this manner, it is possible to lock the optimum control parameters/adjustment data for the part of the subject image first designated by changing the position and/or size of the frame by the zone changing unit/pointing device even after the magnification of zooming means is changed.

In addition, in claims 1 and 9, although the expression of "frame which shows a photometric zone" sufficiently describes that the frame surrounds a part of the subject image to be used for photometry, the aspect that the zone changing unit/pointing device designates a part of the subject image to be used for photometry is clarified.

Amended independent claims 1 and 9 are believed patentably distinct from the cited art in at least the following respects.

Mimura discloses dividing a picked-up image into 25 blocks, and selecting a block or blocks of high or low luminance to be masked. The exposure control is performed using data of the unmasked blocks, thereby exposure is controlled properly for an object included in the unmasked blocks.

Mimura does not have a storage unit for storing the proper exposure control state of the image in the unmasked blocks. Accordingly, the exposure control state changes as the masked block or blocks change, unlike the present invention as recited, e.g., in claims 1 and 9.

Thus Mimura does not include the memory and control unit described in claims 1 and 9 and cannot achieve the feature of the present invention of storing at an optimum exposure control state/prescribed state the control parameters/adjustment data obtained based on a part of the subject image in the photometric zone and maintaining the stored exposure control state even

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after the magnification of zooming means is changed.

Further, in Mimura the photometric area selecting switch 10 is used to select a block or blocks to be masked- in other words, to select a block or blocks not to be used for photometry. Thus, the concept of selecting the photometric zone in Mimura (i.e., excluding an undesired part of an image for photometry) is completely opposite to that of the present invention (i.e., specifying the desired part of the image for photometry), and the zone changing unit/pointing device recited in claims 1 and 9 used for changing the positions and size of the frame which surrounds a part of the subject image to be used for photometry is not disclosed or suggested by Mimura.

Since both the configuration of the apparatus as well as the resultant effects of the present invention are not anticipated nor rendered obvious in view of Mimura, Applicants believe claim 1 and the claims dependent thereon are patentable over Mimura at least in these respects.

Nishida discloses a device having a pointing device for changing a photometric range or the position of the photometric area in a finder image. Specifically, the feature of Nishida is stated as follows:

The characteristics of this invention are the ability to detect the motion of the main object by the motion vector detecting circuit 108 and to move the photometric area following the movement of the main object by the photometric area controlling circuit 110. Namely, the exposure is controlled in accordance with the motion of the main object."

(See, Nishida, col. 6, lines 23-29.)

Thus, Nishida does not disclose the memory which stores adjusting data when a prescribed state is obtained and the control unit which controls the adjusting unit to maintain the prescribed state corresponding to the adjusting data stored in said memory regardless of a change of a magnification of zooming means.

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Since neither Mimura nor Nishida disclose the memory and the control unit as recited in claim 9, claim 9 and the claims depending therefrom, are believed patentable over Mimura, Nishida, alone or in combination, for at least the foregoing reasons.

Accordingly, Applicants respectfully submit that the present invention as recited in independent claims 1 and 9 is neither taught or suggested, and thus neither anticipated by nor rendered obvious in view of, any of the cited references, taken individually or in any combination.

As the remaining rejected claims are each dependent upon either independent claim 1 or 9, Applicants respectfully submit that these dependent claims are also allowable for at least similar reasons as the independent claim from which they depend. While Applicants have not otherwise addressed the individual rejections of the dependent claims, Applicants reserve the right to address those individual rejection of the dependent claims in the future should such be necessary and appropriate.

Applicants thus respectfully submit that the claims as presented herein are patentably distinct from the art of record and consequently in condition for allowance for at least the stated reasons.

CONCLUSION

In view of the foregoing, Applicants respectfully request allowance of this application.

In the event that a telephone conference would facilitate prosecution of the instant application, the Examiner is invited to contact the undersigned at the number provided.

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No fees or additional extensions of time are believed necessary for the filing of this paper. However, should an additional extension of time be required to render this filing timely, such is hereby petitioned and the Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this Amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4252US2.

Respectfully submitted,
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